

EXHIBIT K

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD)(SN)

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10 JULY 22, 2021

11 THIS TRANSCRIPT CONTAINS
12 CONFIDENTIAL MATERIAL

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17 Remote Videotaped
18 Deposition, taken via Zoom, of JONATHAN
19 MARKS, commencing at 9:00 a.m., on the
20 above date, before Amanda
21 Maslynsky-Miller, Certified Realtime
22 Reporter and Notary Public in and for the
23 Commonwealth of Pennsylvania.

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17 ALSO PRESENT:

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19

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1 in the invoices for you reviewing
2 documents was 14 hours, correct?

3 MR. GOETZ: Objection.
4 Form.

5 THE WITNESS: We went
6 through this. Yes, that's what it
7 says on the time sheets. Yes.

8 BY MR. CARTER:

9 Q. Do you know how many
10 documents you personally actually
11 reviewed --

12 A. I don't.

13 Q. -- prior to the issuance of
14 your report?

15 A. I don't.

16 Q. Well, did you review tens of
17 thousands of documents or fewer?

18 A. We reviewed -- we reviewed a
19 lot of documents. I don't know the exact
20 amount.

21 Q. I'm not asking whether we,
22 "we" meaning Baker Tilly, reviewed.

23 I'm asking whether you
24 reviewed tens of thousands of documents?

1 A. I wouldn't say I reviewed
2 tens of thousands of documents, no. Like
3 I said, that's not the process that we
4 went through -- go ahead.

5 Q. So you review -- you relied
6 on other people to review documents and
7 they provided their analysis to you; is
8 that correct?

9 A. Yes.

10 Q. And how did they provide
11 that analysis to you?

12 A. We would have regular and
13 ongoing discussions.

14 Q. And did they provide any
15 summaries to you relating to their
16 review, analysis or findings?

17 A. I'm sure they summarized it
18 to me, otherwise -- yes. Absolutely,
19 yes. They summarized information for me.

20 Q. And so you relied on those
21 summaries for purposes of developing your
22 opinions and writing your report,
23 correct?

24 A. I relied on those summaries

1 to evaluate whether I believed that those
2 were complete and accurate. And if I
3 thought that we needed more information,
4 I would -- I asked my staff to go back
5 and get me more details.

6 So placing reliance on them,
7 it all depended on many different
8 factors.

9 Q. Well, you considered them in
10 the context of developing your opinions
11 and report in the case, correct?

12 A. Yes.

13 Q. And do you list any of those
14 summaries or any analyses provided by
15 your staff in the documents considered
16 section of your report?

17 MR. GOETZ: Objection.

18 Form.

19 THE WITNESS: I don't have
20 any written summaries. So the
21 answer to that is no.

22 BY MR. CARTER:

23 Q. Well, they didn't provide
24 you any information in writing relating

1 to their review of the documents?

2 A. No. It was all done through
3 meetings and discussions.

4 Q. And you were able to assess
5 the competence and quality of the review,
6 by a dozen employees, of tens of
7 thousands of documents based on verbal
8 communications at meetings?

9 A. Yes.

10 Q. And you didn't feel the need
11 to have anyone put any of their analysis
12 down in writing so you could study it and
13 make sure you thought it was accurate?

14 A. I'm just telling you how it
15 worked. We had conversations about the
16 documents. If I thought that they
17 were -- if I thought -- if I understood
18 what it was that they were trying to say,
19 that was fine.

20 If not, if I needed more
21 information or required more information,
22 or there was something that I wanted to
23 be looked into further, then that's what
24 we did.

1 But I do not have anything
2 written in the form of any analysis, no.

3 Q. And individuals on your
4 staff also billed time for participating
5 in the drafting of the report, correct?

6 A. They helped, yes, when I had
7 questions. And that's why it says
8 drafting of the report.

9 I drafted the report.

10 Q. Well, there are significant
11 time entries, Mr. Marks, for other
12 individuals described as related to the
13 drafting of the report. They are not
14 incidental entries.

15 Can you explain that?

16 MR. GOETZ: Objection.

17 Form.

18 THE WITNESS: I can explain
19 the process, sure.

20 Would you like me to explain
21 the process?

22 BY MR. CARTER:

23 Q. Well, no.

24 I'd like you to explain why,

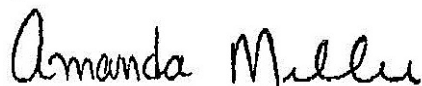
~~This transcript contains confidential material~~

CERTIFICATE

I, Amanda Maslynsky-Miller, Certified
Realtime Reporter, do hereby certify that
prior to the commencement of the examination,
JONATHAN MARKS, was remotely sworn by me to
testify to the truth, the whole truth and
nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a
verbatim transcript of the testimony as taken
stenographically by me at the time, place and
on the date hereinbefore set forth, to the
best of my ability.

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor
counsel of any of the parties to this action,
and that I am neither a relative nor employee
of such attorney or counsel, and that I am
not financially interested in the action.



Amanda Miller
Certified Realtime Reporter
Dated: August 2, 2021

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within sixty (60) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the
foregoing pages, 1 - 316, and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

JONATHAN MARKS

DATE

Subscribed and sworn
to before me this
_____ day of _____, 20____.

My commission expires: _____

Notary Public

| 1 | LAWYER'S NOTES | | |
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